IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :20223 of 2007

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Dated: 4th October 2007.

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Between:

Talari Pydikonda, R/o Talarivaripalem Village, Gajuwaka Mandal, Visakhapatnam and two others.

..... PETITIONERS

AND

The Tashildar, Gajuwaka Mandal, Visakhapatnam and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.20223 OF 2007

ORAL ORDER:

The petitioners assert that the then Thasildhar, Sabbavaram, has granted them house site pattas of an extent Ac.0.03 cents of land each, situate in Sy.No.57/1 of Talarivaripalem Village, Gajuwaka Mandal, Visakhapatnam District. They also assert that they have since developed the land, constructed huts over the land and are dwelling there, they apprehend that respondents 1 and 2, for putting in place a group housing scheme, pursued vigorously by the State, are likely to demolish the structures standing on the land assigned to them. Therefore, they pray for the following relief in this writ petition.

> " For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in proposing to demolish the huts by the 2nd respondent which were constructed by the petitioners in the land assigned to them i.e., plot No.102, 47 and 44 in Survey No.57/1, Sabbavaram Village, Gajuwaka Mandal, Visakhapatnam is arbitrary, illegal and violative of Article 14 & 300-A of the Constitution of India and to pass such other order(s) as this Hon'ble Court may deem fit and proper in the circumstances of the case."

I have heard Sri M.Subrahmanyam learned counsel

for the petitioners, the learned Government Pleader for Revenue Assignments for the 1st respondent and Sri N.Ranga Reddy the learned Standing Counsel for the 2nd respondent-Municipal Corporation, and with their consent I proceed to decide the matter finally at the stage of admission.

The very grant of pattas in favour of the petitioners entitles the State to retrieve the land in case of further necessities. If the State Government is now undertaking a group housing scheme at the very place, where the petitioners or similarly placed persons have been assigned lands, it is wholly appropriate that the names of the petitioners should also be included in such a scheme. At the same time, the petitioners cannot raise any objection for a group-housing scheme, which can be put in place in more than one floor, so long as one such unit is allotted to each of them.

I have no doubt that respondents 1 and 2 will finalize the list of identified beneficiaries duly including therein the names of the petitioners, before removing the huts or before undertaking any further developmental activities to enable, eventually, any group housing scheme for the benefit of the poor being puts in place at the site in question. Till such time the scheme is published and the identified beneficiaries including the names of the petitioners herein are notified, their dwelling units (huts) be not demolished.

With this, the writ petition stands disposed of at the stage of admission. No costs.

Nooty Ramamohana Rao, J

Note:
Issue copy by tomorrow.
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4th October 2007